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SC

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF PENNSYLVANIA

MICHAEL NORWOOD,

Plaintiff,

v.

DONALD ROMINE,

Defendant.

Civil No. 1:CV-01-1005  
(Caldwell, J.)  
(Smyser, M.J.) ✓

FILED  
HARRISBURG, PA

DEC 30 2002

MARY E. DAWNA CLERK  
Per *JW*  
Deputy Clerk

MOTION FOR SANCTIONS UNDER RULE 11(c), FED.R.CIV.P.

COMES NOW, the plaintiff, MICHAEL NORWOOD, pro se, and respectfully moves this Court pursuant to Rule 11(c), Fed.R.Civ.P., to impose sanctions against defendant Romine and his legal representative, Joseph J. Terz, Assistant United States Attorney, for filing it's motion for summary judgment dated December 13, 2002, alleging that this action should be dismissed on the ground that the defendant enjoys qualified immunity and that this action is barred by sovereign immunity. In support of this motion, the plaintiff submits the following:

1. That defendant Romine's motion for summary judgment on grounds of qualified and sovereign immunity was denied by Judge Caldwell on February 12, 2002;
2. That the defendant's subsequent motion for summary judgment filed December 13, 2002, again claimed that the plaintiff's action was barred by both qualified and sovereign immunity;
3. The plaintiff submits that the defendant and/or his counsel knew, or reasonably should have known that the claimed

defenses of qualified and sovereign immunity raised in the second motion for summary judgment were barred by both "the law of the case doctrine" and the doctrine of res judicata.

4. The plaintiff submits that the defendant's second motion for summary judgment has caused unnecessary delay in the resolution of this action; has needlessly increased the plaintiff's litigation costs; and was obviously filed for an improper purpose.

5. The defendant is aware that he has 21 days from the date of being served with this motion to withdraw his second motion for summary judgment if he desires to moot the instant motion for sanctions.

WHEREFORE, the plaintiff requests that the Court impose sanctions against the defendant for violating Rule 11, by directing the defendant to reimburse the plaintiff the expenses incurred as a result of the violation of Rule 11(b).

Respectfully submitted,

  
MICHAEL NORWOOD, Pro Se  
P.O. Box 1000  
Lewisburg, PA 17837

Dated: December 26, 2002